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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,747	01/12/2004	leon Chen	EQUUS-074A	9631

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,747

Applicant(s)

CHEN, IEON

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the fourth office action for application number 10/755,747, Automotive Gauge Mounting Bracket with Frictional Fit Apertures, filed on January 12, 2004.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 9, 2005 has been entered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the interior side and the exterior side must be labeled. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

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sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: an interior side, an exterior side, and a lip cited in claims 11 and 13, respectively.

Cancellation of Claims

Claim 2 has been canceled per applicant's request.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in

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the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Neither the description nor drawings clearly show a lip of the gauge being received by a surface of the bracket about the periphery of the aperture; however, the drawings do show that the lip/bezel of the gauge comes in contact with a surface about the periphery of the aperture.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,507,706 to Trexler, Jr. in view of U.S. Patent 5,702,076 to Humber. Trexler discloses an automotive gauge mounting structure (10) engageable to an automotive vehicle interior, the structure comprising: a bracket (20); at least one gauge receiving aperture (22) formed in the bracket; a gauge (12); wherein the aperture is generally circularly shaped; wherein each one of the apertures is of generally equivalent size, and wherein the bracket includes three gauge receiving apertures formed therein. Trexler discloses the claimed invention except for the limitation of the aperture defining a plurality of displaceable segments. Humber teaches a insulator (10) for insertion into an aperture of a plate, the insulator including at least one receiving aperture (22) formed in the bracket, the aperture defining a plurality of displaceable segments (18) and recesses extending therebetween, the segments being displaceable in response to insertion of a cylindrical object into the aperture for friction-fit engagement, wherein the recesses define a plurality of outer arcuate recesses

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and the displaceable segment defines a plurality of displaceable inner arcuate segments disposes intermediate arcuate recesses, and wherein the segments are equidistantly spaced around the aperture. It would have been obvious to one having ordinary skill in the art to have included the insulator as taught by Humber for the purpose of providing a means holding a cylindrical object such as a gauge rigidly in position and to accommodate different sized objects.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trexler combined with Humber and in further view of Longo. Trexler in view of Humber disclose the claimed invention except for the limitation of recesses being provided with a series of radial cuts. Longo teaches that it is known to have a bracket (22) having a receiving aperture including a plurality of displaceable segments and recesses extending therebetween, wherein the recesses are provided with a series of radial cuts, the cuts defining additional displaceable segments therebetween, and wherein the radial cuts are of generally equal length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket in Trexler combined with Humber to have included the recesses as taught by Longo for the purpose of providing an alternative, mechanically equivalent arrangement for rigidly supporting a cylindrical object such as a gauge within the aperture to prevent unwanted detachment of the gauge from the bracket.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trexler combined with Humber and in further view of U.S. Patent 3,603,551 to Peterson. Trexler combined with Humber discloses the claimed invention except for the limitation of the

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recesses defining a cross-shape aperture. Peterson teaches that it is known to have a bracket including at least one receiving aperture formed in the bracket, the aperture defining a plurality of displaceable segments and recesses extending therebetween, the segments being displaceable in response to insertion of a cylindrical object, and the recesses define a cross-shape aperture, having a plurality of displaceable interior segments. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket in Trexler combined with Humber to have included the recesses as taught by Peterson for the purpose of providing an alternative, mechanically equivalent arrangement for rigidly supporting a cylindrical object such as a gauge within the aperture to prevent unwanted detachment of the gauge from the bracket.

Claims 1, 3, and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art, hereafter, APA, in Figs. 1 and 2 in view of U.S. Patent 3,365,761 to Kalvig. APA discloses an automotive gauge mounting structure comprising: a bracket (15); at least one gauge receiving aperture (19) formed in the bracket; a gauge (13a-13c) having a gauge diameter and the aperture having an inner diameter being less than the gauge diameter; wherein the aperture is generally circularly shaped; wherein the structure comprises three gauge receiving apertures of generally equivalent size; wherein the bracket defines an interior side and an exterior side; and wherein the bracket defines a receiving surface about the periphery of the aperture to receive a lip (21) of the gauge.

APA discloses the claimed invention except for the limitation of the aperture having a plurality of displaceable segments and recesses extending between therebetween. Kalvig teaches a bracket (2) having at least one receiving aperture (17) formed in the bracket, the

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aperture defining a plurality of displaceable segments (21) and recesses (19) extending therebetween, the segments being displaceable in response to insertion of a shaft element (23) into the aperture for friction-fit engagement of the element to the bracket, the element having a diameter and the recesses defining an aperture inner diameter, the aperture inner diameter being less than the element diameter, wherein the recesses are provided with a series of radial cuts, the cuts defining additional displaceable segments, wherein the segments are equidistantly spaced around the aperture, wherein the bracket defines an interior side and an exterior side and the segments are displaceable toward the interior side of the bracket (Fig. 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket in APA (Fig. 1 and 2) to have included the displaceable segments and recesses as taught by Kalvig for the purpose of providing an alternative mechanically equivalent means for retaining the gauge within the bracket and for the purpose of providing a means for easier installation of the gauge within the aperture of the bracket.

Response to Arguments

Applicant's arguments filed April 20, 2005 have been fully considered but they are not persuasive.

In regards to applicant's argument that the combination of the Trexler reference with the Humber reference would make the Trexler reference inoperable, the examiner disagrees, the gauges in the Trexler reference would still be interchangeably mounted within the aperture because the segments in Humber are not intended to permanently retain the pipe

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within the aperture. The segments in Humber are flexible and resilient thus making it easy for the pipe/gauge to be interchangeable. Also, no where in the Humber reference does it state that the pipe can only be removed by further pushing the pipe in a forward direction nor that the segments in Humber may break or deform by removing the pipe in a reverse direction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
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August 22, 2005